

REMARKS

The applicants have amended claims 1, 3 and 15. No new matter has been added.

Claims 1-16 and 22 are currently pending. In light of the following remarks, the applicants respectfully submit that the pending claims are patentably distinct and request allowance of all the pending claims.

Claim Rejections-35 U.S.C. § 102

Paragraph 2: Claims 1-3, 8-10, and 13-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,897,438 issued to *Mykol*. Applicants respectfully traverse this rejection.

Claim 1, as amended, recites a bag having first and second sidewalls, the sidewalls each being a single sheet of packaging material. *Mykol* teaches a water bag made of multiple chambers. It discloses an air-jacket entirely enclosing an inner bag (ll. 13-17). Accordingly, *Mykol* teaches away from a sidewall being only one layer thick, as in the present invention.

Further, *Mykol* discloses a carrying strap which can be connected in such a way as to create a handle. The handle 15 is not entirely on an opposite side of the vertical centerline from the pouring region, as required by Claim 1. When the connector 20 is disengaged from the ring 18, the entire strap forms a sling or shoulder strap, which also is not entirely on the one side. (Lines 82-98). Therefore *Mykol* does not anticipate Claim 1. As Claims 2-3, 8-10 and 13-14 are dependent on Claim 1 they are also not anticipated. Reconsideration and withdrawal of the pending rejection is requested.

Paragraph 3: Claims 1-3, 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,999,627 issued to *Reinhardt*. Applicants respectfully traverse these rejections.

Claims 1 and 15, as amended, each recite a bag having first and second sidewalls, the sidewalls each being a single sheet of packaging material. *Reinhardt* teaches a protective cover enclosing a flat bag (col. 1, ll. 30-45). It does not teach the single sheet of packaging material sidewall of the present invention. Therefore, the applicants respectfully submit that claims 1 and 15 (and their dependent claims) are patentably distinct from *Reinhardt*. Reconsideration and withdrawal of the pending rejection is requested.

Paragraph 4: Claims 1, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 421,160 issued to *Burbridge*. Applicants respectfully traverse these rejections.

Burbridge discloses a rubber water bottle with a handle B that connects to both the filler C and the rubber cap E. *Burbridge* does not teach a location of the entire handle being positioned on an opposite side of the vertical centerline from the pouring region. Nor does *Burbridge* mention that the location of the handle is essential to ease pouring.

In sharp contrast, claim 1 of the applicants' invention require a handle located entirely on an opposite side of the vertical centerline from the pouring region. Therefore, *Burbridge* does not anticipate claim 1. The applicants respectfully submit that claim 1 and dependent claims 13 and 14 are patentably distinct from *Burbridge*. Reconsideration and withdrawal of the pending rejection is requested.

Paragraph 5: Claims 1-3, 8-10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 619,465 issued to *Grimball*. Applicants respectfully traverse these rejections.

Grimball discloses a hot-water bag constructed in such manner as to embrace the poultice upon all sides except that surface which is applied directly to the body of a patient. *Grimball* discloses a series of loops adapted to receive straps to pass around the body of the patient.

Grimball does not teach an apparatus for carrying and delivering pourable product, and is not analogous art. The invention does not teach a handle opposite a pouring region. The loops are not for handling the devise to assist in pouring or carrying, but rather used to strap the water bag to the patient.

Therefore, the applicants respectfully submit that claim 1 (and its dependent claims) are patentably distinct from *Grimball*. Reconsideration and withdrawal of the pending rejection is requested.

Paragraph 6: Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,911,562 issued to *Mazzeschi*. Applicants respectfully traverse these rejections.

Mazzeschi discloses a collapsible can with a handle arrangement for pouring the liquid held therein. The office action contends that *Mazzeschi* discloses pouring contents from a bag by gripping one of two handles 20, gripping a second corner of the bag at handle 25 with a second hand and pouring the contents through a hole 5 adjacent a corner along the first end edge of the bag. The office action states that “it is noted that the second corner (handle 25) is positioned catercorner from the handle 20 that is adjacent the corner and hole 5 is oppositely disposed from the handle that is gripped.

Contrary to the contentions of the office action, *Mazzeschi* does not disclose the invention as claimed. In *Mazzeschi*, the handle 25 is not positioned catercorner from the handle 20 as contended when hole 5 is oppositely disposed from the handle that is gripped. Rather when hole 5 is oppositely disposed from the handle that is gripped, as it must be according to Claim 22, then the second corner is catercorner to the hole 5 and not the handle 20 that is gripped.

Mazzeschi fails to disclose gripping a handle on a bag with a first hand, the handle being positioned adjacent to a corner along a first end edge of the bag, gripping a second corner of the bag with a second hand, the second corner being positioned along a second end edge of the bag, the second end edge of the bag being positioned opposite the first end edge, and the second corner being positioned catercorner from the handle as required by Claim 22.

Therefore, the applicants respectfully submit that Claim 22 is patentably distinct from *Mazzeschi*. Reconsideration and withdrawal of the pending rejection is requested.

Claim Rejections-35 U.S.C. § 103

Paragraph 8: Claims 4-7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Reinhardt* in view of *Onishi* (Japanese Patent No. 0023955). Applicants respectfully traverse these rejections.

As discussed above, *Reinhardt* fails to teach or disclose a bag as that recited in amended claim 1. *Onishi* does not cure the deficiencies of *Reinhardt*. Therefore, the combination of *Reinhardt* in view of *Onishi* does not make obvious the claimed invention. Reconsideration and withdrawal of the pending rejection is requested.

Paragraph 9: Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Reinhardt*. Applicants respectfully traverse this rejection.

As discussed above, *Reinhardt* fails to teach or disclose a bag as that recited in amended claim 1. Therefore, *Reinhardt* does not make obvious the claimed invention. Reconsideration and withdrawal of the pending rejection is requested.

Paragraph 10: Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Reinhardt* in view of *Schneider* et al. Applicants respectfully traverse this rejection.

As discussed above, *Reinhardt* fails to teach or disclose a bag as that recited in amended claim 1. *Schneider* does not cure the deficiencies of *Reinhardt*. Therefore, the combination of *Reinhardt* in view of *Schneider* does not make obvious the claimed invention. Reconsideration and withdrawal of the pending rejection is requested.

CONCLUSION

Claims 1, 3 and 15 have been amended. No new matter has been added. Because claims 1-16 and 22 are not anticipated by, or obvious in light of, any of the cited references, applicants respectfully request the Examiner issue a Notice of Allowance.

There may be other arguments in addition to those submitted herein that support patentability of the claims presented in this application. The applicants reserve the right to raise any such arguments in the future.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**VERSIONS WITH MARKINGS TO SHOW CHANGES MADE**".

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Date: 4/25/03

William F. McIntyre, Jr.
William F. McIntyre, Jr.
Reg. No. 44,921

VERSIONS WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claims 1, 3 and 15 as follows:

1. (Twice Amended) An apparatus for carrying and delivering pourable product, the apparatus comprising:

a bag having first and second sidewalls, the sidewalls each being a single sheet of packaging material;

[a] the bag having a rectangular-like shape, a vertical centerline, and a pouring region formed on one side of the centerline; and

a handle operably connected to the bag, the entire handle being on an opposite side of the vertical centerline from the pouring region.

3. (Amended) The apparatus of claim 2, wherein [the bag has first and second sidewalls, and] the first sidewall is attached to the second sidewall at a region adjacent to the handle.

15. (Twice Amended) An apparatus for carrying and delivering pourable product, the apparatus comprising:

a bag having first and second sidewalls, the sidewalls each being a single sheet of packaging material, an interior volume, an end edge, oppositely disposed corners formed along the end edge, a vertical centerline and a pouring region formed on one side of the vertical centerline;

pourable product positioned within the interior volume; and

a handle operably connected to the bag, the handle being adjacent one corner, and located entirely on an opposite side of the vertical centerline from the pouring region, and the pouring region adjacent to the oppositely disposed corner, the handle being defined by a hole passing through the first and second sidewalls.